

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

THIRTEENTH DAY'S PROCEEDINGS

**Thirty-third Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

November 21, 2005

The House of Representatives was called to order at 1:00 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. Speaker	Frith	Morrish
Alario	Gallot	Odinot
Alexander	Geymann	Pierre
Ansardi	Glover	Pinac
Arnold	Gray	Pitre
Badon	Greene	Powell, M.
Baldone	Guillory, E.	Powell, T.
Barrow	Guillory, M.	Quezaire
Baudoin	Hammett	Richmond
Baylor	Harris	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise
Bruneau	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Dartez	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker
Downs	Marchand	Walsworth
Durand	Martiny	White

Erdey
Fannin
Farrar
Faucheux
Total - 104

McDonald
McVea
Montgomery
Morrell

Winston
Wooton
Wright

ABSENT

Burns
Total - 1

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Salter.

Pledge of Allegiance

Rep. Smiley led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Greene, the reading of the Journal was dispensed with.

On motion of Rep. Heaton, and under a suspension of the rules, the Journal of November 17, 2005, was corrected to reflect him as being present on the opening roll call.

On motion of Rep. Tank Powell, and under a suspension of the rules, the Journal of November 20, 2005, was corrected to reflect him as voting nay on final passage of House Bill No. 163.

On motion of Rep. Thompson, the Journal of November 20, 2005, was adopted.

**Petitions, Memorials and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 39, 40, 41, and 42

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Scalise, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

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SENATE CONCURRENT RESOLUTION NO. 39—

BY SENATORS MICHOT, BROOME AND CAIN AND REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To honor and commend the pastors with PRC Compassion who mobilized their churches to rescue and assist Louisiana citizens displaced by hurricanes Katrina and Rita.

Read by title.

On motion of Rep. Scalise, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To request the Senate Committee on Labor and Industrial Relations and the House Committee on Labor and Industrial Relations to meet and to function as a joint committee to study advanced manufacturing/integrated systems technology training and other training opportunities in Louisiana.

Read by title.

On motion of Rep. Hunter, and under a suspension of the rules, the resolution was ordered passed to its third reading.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATORS CAIN, ADLEY, AMEDEE, BAJOLE, BARHAM, BOASSO, BROOME, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To urge and request the Congress of the United States to change the coastal line by which the state receives tax and mineral revenue from three miles to twelve miles to be consistent with the states of Texas and Mississippi as it relates to the receipt of federal tax and mineral revenue.

Read by title.

On motion of Rep. Hill, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 42—

BY SENATOR MARIONNEAUX AND REPRESENTATIVE CAZAYOUX

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education (BESE) to make adjustments in the Minimum Foundation Program formula (MFP) for the 2006-2007 school year and thereafter as necessary to correct an error in allocation which was created by a tax assessment which was overturned by the Louisiana Supreme Court which consequently resulted in an erroneous calculation of certain salary adjustments to be paid by the Pointe Coupee Parish School Board.

Read by title.

On motion of Rep. Cazayoux, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 53
Returned without amendments

House Concurrent Resolution No. 54
Returned without amendments

House Concurrent Resolution No. 55
Returned without amendments

House Concurrent Resolution No. 57
Returned without amendments

House Concurrent Resolution No. 58
Returned without amendments

House Concurrent Resolution No. 59
Returned without amendments

House Concurrent Resolution No. 60
Returned without amendments

House Concurrent Resolution No. 61
Returned without amendments

House Concurrent Resolution No. 63
Returned without amendments

House Concurrent Resolution No. 64
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 67—

BY REPRESENTATIVE GEYMAN

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources, in cooperation with the Department of Environmental Quality, to assemble federal, state, parish, and municipal officials to conduct a forum and demonstration on the safe and efficient use of wood waste debris created by Hurricanes Katrina and Rita in wetland restoration.

Read by title.

On motion of Rep. Geymann, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 68—

BY REPRESENTATIVE HEBERT

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to develop a system by which parish residents are given priority for housing in FEMA trailers located within their parish.

Read by title.

On motion of Rep. Hebert, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 69—

BY REPRESENTATIVE JEFFERSON

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to provide federal financial assistance to aid in rebuilding the investor-owned utility systems that are indispensable to the recovery efforts of the state of Louisiana and the city of New Orleans, including but not limited to providing funding through the United States Department of Housing and Urban Development in the form of Community Development Block Grants to investor-owned utilities for the restoration of electric and gas service damaged by Hurricanes Katrina and Rita.

Read by title.

On motion of Rep. Jefferson, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 70—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Ms. Diane Alexander for her bravery, courage, and determination and her role in the arrest and conviction of Derrick Todd Lee.

Read by title.

On motion of Rep. Dorsey, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**Senate Bills and Joint Resolutions
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 95—

BY SENATORS BOASSO, ADLEY, AMEDEE, BARHAM, CAIN, CHAISSON, CRAVINS, DARDENNE, DUPLISSIS, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HOLLIS, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SMITH AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, K. CARTER, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

AN ACT

To amend and reenact R.S. 38:291 (D)(2) and (3), (G)(2), and 304(A) and (B), to enact R.S. 38:291(G)(3) and (V), and 306.1 through 306.8, and to repeal R.S. 38:304.3, relative to levees; to establish the Southeast Louisiana Levee Authority; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to terminate the terms of commissioners on certain levee boards; to reorganize the governance of such levee districts by providing for representation of such district on the board of commissioners to the authority; to retain the territorial limits of such levee

districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for qualifications of an executive director; to create a levee district for St. Tammany Parish and provide for the authority, powers, duties, functions, and responsibilities of the district to be exercised by the authority; to provide for funding; to provide for applicability; and to provide for related matters.

Read by title.

SENATE BILL NO. 102—

BY SENATOR FIELDS AND REPRESENTATIVE BAYLOR

AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act 939 of the 1986 Regular Session of the Legislature, Act No. 40 of the 1989 Regular Session of the Legislature, and Act 864 of the 2003 Regular Session of the Legislature and R.S. 33:2711.9(B)(3) and to repeal R.S. 33:4574.1(A)(1)(d), 4574.1.1(E), 4574.9(C)(1)(d), 4574.12(D)(1)(d), 4574.13(C)(1)(d), and 4575.3(20)(d), relative to hotel occupancy taxes; to delete the exemption of certain rooms from hotel occupancy tax in certain parishes; and to provide for related matters.

Read by title.

SENATE BILL NO. 105—

BY SENATOR HINES

AN ACT

To enact R.S. 39:94(C)(4), relative to the Budget Stabilization Fund; to provide for the balance in the Budget Stabilization Fund; to define total state revenue receipts for purposes of determining the balance in the fund; to provide for an effective date; and to provide for related matters.

Read by title.

House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE RESOLUTION NO. 15—

BY REPRESENTATIVE HEBERT

A RESOLUTION

To urge and request the House Committee on Commerce to conduct a study of the awarding of Federal Emergency Management Agency contracts to out-of-state companies.

Read by title.

On motion of Rep. Hebert, and under a suspension of the rules, the resolution was ordered passed to its third reading.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 35—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To the Senate Committee on Judiciary C and the House Committee on the Administration of Criminal Justice to meet and function as a joint committee to study the practicality and feasibility of setting aside criminal bond forfeitures due to the effects of a gubernatorially declared disaster or emergency.

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Read by title.

On motion of Rep. Martiny, and under a suspension of the rules, the resolution was ordered passed to its third reading.

SENATE CONCURRENT RESOLUTION NO. 36— BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU A CONCURRENT RESOLUTION

To create and provide with respect to the Joint Select Committee on Government Organization in the Metropolitan New Orleans Area.

Read by title.

On motion of Rep. Bruneau, and under a suspension of the rules, the resolution was ordered passed to its third reading.

Senate Concurrent Resolutions Reported by Committee

The following Senate Concurrent Resolutions reported by committee were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 18— BY SENATOR SHEPHERD A CONCURRENT RESOLUTION

To direct the secretary of state to establish a toll-free telephone line and advertise nationally for displaced Louisiana citizens to receive information related to the election process, including but not limited to, locating their voting place.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Enrolled Senate Concurrent Resolution No. 18 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 2, change "direct" to "urge and request"

AMENDMENT NO. 2

On page 1, line 2, after "toll-free telephone line" delete the remainder of the line

AMENDMENT NO. 3

On page 1, line 4, after "limited to" delete the comma "," and delete the remainder of the line and insert "voting rights and polling place locations and to implement a national public service advertising campaign, pro bono if possible, to create public awareness of the toll-free telephone line."

AMENDMENT NO. 4

On page 1, line 10, after "WHEREAS," and before "would assist" delete "a program of advertising nationally" and insert "the implementation of a national public service advertising campaign, which should be pro bono if possible,"

AMENDMENT NO. 5

On page 1, line 13, change "voting polls;" to "polling places;"

AMENDMENT NO. 6

On page 1, line 14, after "telephone line and" delete the remainder of the line and insert "creating public awareness of such toll-free telephone line would"

AMENDMENT NO. 7

On page 1, at the beginning of line 17, change "direct" to "urge and request"

AMENDMENT NO. 8

On page 1, line 18, after "to be advised of" delete the remainder of the line and insert "the election process, including voting rights and polling place locations and to implement a national public service advertising campaign, pro bono if possible, to create public awareness of the toll-free telephone line."

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the resolution, as amended, was ordered passed to its third reading.

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

Suspension of the Rules

On motion of Rep. Hebert, the rules were suspended in order to take up and consider Senate Bills on Second Reading to be Referred to Committee at this time.

Senate Bills and Joint Resolutions on Second Reading to be Referred

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 96— BY SENATORS SHEPHERD, AMEDEE AND MARIONNEAUX AN ACT

To enact R.S. 47:305.54, relative to the state sales and use tax; to enact the 2005 Louisiana Sales Tax Holiday Act; to provide that the state sales and use tax shall not apply to certain consumer purchases of tangible personal property for non-business use on certain dates; to provide restrictions on the types and cost of purchases that are eligible for exemption; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Hebert moved that Senate Bill No. 96 be amended to conform with House Bill No. 42 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Hebert to Reengrossed Senate Bill No. 96 by Senator Shepherd (Duplicate of House Bill No. 42)

AMENDMENT NO. 1

On page 1, at the beginning of line 4, delete "certain" and delete "for non-business use" and after "on" insert "a"

AMENDMENT NO. 2

On page 1, line 5, delete "dates;" and insert "date from certain selling dealers;"

AMENDMENT NO. 3

On page 1, line 14, after "coterminous" change "of" to "with"

AMENDMENT NO. 4

On page 1, line 15, delete "for non-business use which" and insert "that"

AMENDMENT NO. 5

On page 1, delete lines 16 and 17 in their entirety and insert the following:

"on December 9, 10, and 11, 2005. Beginning in calendar year 2006, and every year thereafter, the sales tax levied by the state of Louisiana and its political subdivision whose boundaries are coterminous of those of the state shall not apply to consumer purchases of tangible personal property for non-business use that occur on the first weekend of August."

AMENDMENT NO. 6

On page 2, line 2, after "property" delete the remainder of the line and insert a comma ", " and "other than vehicles subject to license and title, costing two thousand five hundred"

AMENDMENT NO. 7

On page 2, line 3, after "unit" insert a period "." and delete the remainder of the line

AMENDMENT NO. 8

On page 2, at the end of line 5, delete "twenty-five"

AMENDMENT NO. 9

On page 2, line 6, after "thousand" insert "five hundred" and after "or less," delete the remainder of the line and delete line 7 in its entirety

AMENDMENT NO. 10

On page 2, line 8, after "only if" delete the remainder of the line and on line 9, delete "Subsection A of this Section," and insert "on December 9, 10, and 11, 2005."

AMENDMENT NO. 11

On page 2, line 16, after "before" delete the remainder of the line and delete line 17 in its entirety and insert "on December 9, 10, and 11, 2005."

AMENDMENT NO. 12

On page 2, line 20, delete "the period provided in Subsection A of this Section," and insert "on December 9, 10, and 11, 2005."

AMENDMENT NO. 13

On page 2, line 22, after "purchase" delete the remainder of the line and on line 23, delete "in Subsection A of this Section" and insert "on December 9, 10, and 11, 2005."

AMENDMENT NO. 14

On page 2, line 26, after "after" delete the remainder of the line and insert "December 11, 2005."

AMENDMENT NO. 15

On page 2, line 27, after "item" delete the remainder of the line and on line 28, delete "provided in Subsection A of this Section," and insert "on December 9, 10, and 11, 2005."

AMENDMENT NO. 16

On page 2, line 29, delete "such period," and insert "December 11, 2005."

AMENDMENT NO. 17

On page 3, line 2, after "after" delete the remainder of the line and on line 3, delete "Section," and insert "December 11, 2005."

AMENDMENT NO. 18

On page 3, line 3, delete "during such period," and insert "on December 9, 10, and 11, 2005."

AMENDMENT NO. 19

On page 3, line 7, after "manner" delete the comma ", "

AMENDMENT NO. 20

On page 3, line 8, delete "twenty-five thousand" and insert "two thousand five hundred"

AMENDMENT NO. 21

On page 3, line 10, delete "twenty-five" and insert "two"

AMENDMENT NO. 22

On page 3, line 11, after "thousand" insert "five hundred"

AMENDMENT NO. 23

On page 3, line 12 after "after" delete the remainder of the line and on line 13, delete "this Section," and insert "December 11, 2005."

AMENDMENT NO. 24

On page 3, delete lines 19 through 27 in their entirety

AMENDMENT NO. 25

On page 3, line 29, after "Act" delete the remainder of the line and on page 4, delete line 1 in its entirety and insert a period "."

Rep. Hebert moved the adoption of the amendments.

As a substitute motion, Rep. Montgomery moved that the bill be referred to the Committee on Ways and Means.

Rep. Hebert objected.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

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YEAS

Mr. Speaker	Fannin	Odinot
Alario	Farrar	Pinac
Alexander	Frith	Pitre
Ansardi	Gallot	Powell, T.
Arnold	Glover	Quezaire
Baldone	Guillory, E.	Ritchie
Baudoin	Guillory, M.	Smith, G.
Baylor	Hammett	Smith, J.H.—8th
Beard	Hill	Smith, J.R.—30th
Bruce	Hopkins	St. Germain
Cazayoux	Hunter	Thompson
Crane	Hutter	Toomy
Curtis	Jackson	Townsend
Damico	Kennard	Trahan
Dartez	Kenney	Triche
DeWitt	LaFleur	Tucker
Doerge	Lancaster	Waddell
Dorsey	McDonald	Wooton
Dove	McVea	
Downs	Montgomery	
Total - 58		

NAYS

Badon	Hebert	Powell, M.
Barrow	Honey	Richmond
Bowler	Jefferson	Robideaux
Bruneau	Johns	Scalise
Burrell	Katz	Schneider
Carter, K.	Kleckley	Smiley
Cravins	LaBruzzo	Smith, J.D.—50th
Crowe	LaFonta	Strain
Erdey	Lambert	Walker
Geymann	Marchand	Walsworth
Gray	Martiny	White
Greene	Morrell	Winston
Harris	Morrish	Wright
Heaton	Pierre	
Total - 41		

ABSENT

Burns	Daniel	Faucheux
Carter, R.	Durand	Romero
Total - 6		

The House agreed to refer the bill to the Committee on Ways and Means.

House and House Concurrent Resolutions on Third Reading for Final Consideration

The following House and House Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 65— BY REPRESENTATIVES RICHMOND AND DORSEY

A CONCURRENT RESOLUTION

To direct the Louisiana Housing Finance Agency to establish a low or no interest loan program for homeowners affected by Hurricanes Katrina and Rita.

Read by title.

Rep. Richmond moved the adoption of the resolution.

By a vote of 99 yeas and 0 nays, the resolution was adopted.

Ordered to the Senate.

Senate Concurrent Resolutions on Third Reading for Final Consideration

The following Senate Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR SMITH AND REPRESENTATIVES BEARD AND SCALISE
A CONCURRENT RESOLUTION

To memorialize Congress to adopt S520 and HR 1070, the Constitution Restoration Act of 2005, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God.

Read by title.

On motion of Rep. Scalise, the resolution was concurred in.

Suspension of the Rules

On motion of Rep. Richmond, the rules were suspended in order to take up and consider Senate Bills and Joint Resolutions on Third Reading and Final Passage at this time.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

SENATE BILL NO. 3—

BY SENATORS SCHEDLER, BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, T. POWELL, M. POWELL, RICHMOND, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

AN ACT

To amend and reenact R.S. 24:513(A)(5)(a) and 514(E) and (F) and to enact R.S. 24:513.4, all relative to audit reports and financial statements of certain entities; to provide for an extension of time relative to the completion of audit reports and financial statements in the event of certain disasters or emergencies; to authorize the legislative auditor to audit certain organizations; to provide for the frequency of such audits; to provide for effectiveness provisions; and to provide for related matters.

Read by title.

Rep. Richmond sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Reengrossed Senate Bill No. 3 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2, after "(F)" delete the comma "," and insert "and to enact R.S. 24:513.4,"

AMENDMENT NO. 2

On page 1, line 3, after "certain" and before "entities" delete "governmental"

AMENDMENT NO. 3

On page 1, line 5, after "emergencies;" and before "to provide" insert "to authorize the legislative auditor to audit certain organizations; to provide for the frequency of such audits;"

AMENDMENT NO. 4

On page 1, line 9, after "reenacted" and before "to read" insert "and R.S. 24:513.4 is hereby enacted"

AMENDMENT NO. 5

On page 2, between lines 26 and 27, insert the following:

"§513.4 Not for profit disaster relief or recovery organizations; audit authority

A. The legislative auditor shall have authority to compile financial statements and to examine, audit, or review the books and accounts of any not for profit organization which is created by a public official in the state of Louisiana, any political subdivision or agency thereof, any special district or authority, or unit of local government or by any other person for the purpose of accepting donations, charitable contributions, or other funds for disaster relief or recovery and which existence is promoted in any manner by one or more public officials or public entities in the state of Louisiana. The scope of the examinations may include financial accountability, legal compliance and evaluations of the economy, efficiency, and effectiveness of the auditee's programs or any combination of the foregoing. In addition to the authority granted above, the legislative auditor shall have access to and be permitted to examine all papers, books, accounts, records, files, instruments, documents, films, tapes, and any other forms of recordation of such an organization, including but not limited to computers and recording devices, and all software and hardware which hold data, are part of the technical processes leading up to the retention of data, or are part of the security system. For the purposes of this Chapter, any not for profit organization which is created by a public official of the state of Louisiana or any political subdivision or agency thereof, any special district or authority, or unit of local government or by any other person for the purpose of accepting donations, charitable contributions, or other funds for disaster relief or recovery and which existence is promoted in any manner by one or more public officials or public entities in the state of Louisiana shall be considered to be a "local auditee."

On motion of Rep. Richmond, the amendments were adopted.

Rep. Richmond moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Morrell
Alario	Geymann	Morrish
Alexander	Glover	Odinot
Ansardi	Gray	Pierre
Arnold	Greene	Pinac
Badon	Guillory, E.	Pitre
Baldone	Guillory, M.	Powell, M.
Barrow	Hammett	Powell, T.
Baylor	Harris	Quezaire
Bowler	Heaton	Richmond
Bruce	Hebert	Ritchie
Bruneau	Hill	Robideaux

Burrell	Honey	Romero
Carter, K.	Hopkins	Scalise
Carter, R.	Hunter	Schneider
Cazayoux	Hutter	Smiley
Crane	Jackson	Smith, G.
Cravins	Jefferson	Smith, J.D.-50th
Crowe	Johns	Smith, J.R.-30th
Curtis	Katz	Strain
Damico	Kennard	Thompson
Daniel	Kenney	Toomy
Dartez	Kleckley	Townsend
DeWitt	LaBruzzo	Trahan
Doerge	LaFleur	Triche
Dorsey	LaFonta	Tucker
Dove	Lambert	Waddell
Downs	Lancaster	Walker
Erdey	Marchand	Walsworth
Fannin	Martiny	White
Farrar	McDonald	Winston
Fauchoux	McVea	Wooton
Frith	Montgomery	Wright

Total - 99

NAYS

Total - 0

ABSENT

Baudoin	Burns	Smith, J.H.-8th
Beard	Durand	St. Germain
Total - 6		

The Chair declared the above bill was finally passed.

Rep. Richmond moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 44— BY SENATOR HOLLIS

AN ACT

To enact R.S. 22:1407(J) and Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, and to repeal Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1725 through 1730.1, relative to state building codes; to provide for public policy of codes; to provide for enforcement; to provide for appointment of building official; to provide for adoption of codes; to provide for the creation of the Louisiana Building Codes Council; to provide for construction of farm structures; to provide for mandamus and injunctive relief; to provide for agreements with other governmental entities; to provide for council's code adoption authority; to provide for adoption of emergency wind and flood provisions; to provide for construction of industrial facilities; to provide for applicable codes for inspections; to provide for application and issuance of certificates of registration; to provide for revocation authority and injunctive relief; to provide for continuing education; to provide for authority of state fire marshal; to repeal the current state uniform construction code; to provide for reduced rates or discounts on insurance premiums for insureds who comply with the state uniform construction code; and to provide for related matters.

Read by title.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

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Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

Delete House Floor Amendment Nos. 31, 33 and 34 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

Point of Order

Rep. DeWitt asked for a ruling from the Chair as to whether under the constitution the above bill creates a mandate on local government.

Ruling of the Chair

The Chair ruled that the point in question was a matter of constitutional interpretation and therefore the Chair was not empowered to rule on this question.

Rep. DeWitt moved to lay the entire subject matter on the table.

Rep. Pinac objected.

By a vote of 19 yeas and 81 nays, the House refused to lay the entire subject matter on the table.

Rep. Pinac moved the adoption of the amendments.

Rep. DeWitt objected.

By a vote of 71 yeas and 29 nays, the amendments were adopted.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

Delete House Floor Amendment No.1 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 2

On page 1, line 2, after "To" insert "amend and reenact R.S. 33:4773(D) and to"

AMENDMENT NO. 3

Delete House Floor Amendment No.8 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 4

Delete House Floor Amendment No.10 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 5

On page 2, line 3, change "Section 1." to "Section 2."

AMENDMENT NO. 6

Delete House Floor Amendment No.11 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 7

Delete House Floor Amendment No.12 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

On motion of Rep. Pinac, the amendments were adopted.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 6, line 3, after "be" insert "a Louisiana licensed architect or engineer or"

AMENDMENT NO. 2

In House Floor Amendment No. 53 proposed by Rep. Pinac and adopted by the House of Representatives on November 20, 2005, on line 13, after "40:1730.28(A)(3)." delete the remainder of the line, delete lines 14 through 16 in their entirety, on line 17 delete "and Home Safety, 2005", and on line 17, after "apply" delete "to" and insert "within"

AMENDMENT NO. 3

Delete House Floor Amendment No.'s 63 through 66 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 4

Delete House Floor Amendment No. 95 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 5

Delete House Floor Amendment No. 96 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 6

On page 13, line 18, after "conviction." delete "may" and insert "shall"

On motion of Rep. Pinac, the amendments were adopted.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

In House Floor Amendment No. 56 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005, after line 32, insert the following:

"E. The Department of Public Safety and Corrections, Office of State Fire Marshal, may establish contract agreements with parishes, municipalities, and third-party providers in order to provide enforcement of this Section."

On motion of Rep. Pinac, the amendments were adopted.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 9, delete lines 9 and 10 in their entirety and insert the following:

"B. The initial code adopted by the council under the provisions of this Part shall become effective on January 1, 2007."

On motion of Rep. Pinac, the amendments were adopted.

Rep. LaFonta sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LaFonta to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

Delete House Floor Amendment No.19 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 2

Delete House Floor Amendment No.20 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 3

On page 3, line 15, after "qualifies." insert "No member of the council shall receive per diem or other compensation for their duties on the commission.", and on line 16, change "nineteen" to "twenty two"

AMENDMENT NO. 4

Delete House Floor Amendment No.21 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 5

On page 4, between lines 16 and 17, insert the following:

"(20) A representative of the Greater Treme Consortium.
(21) A representative of the Louisiana Preservation Alliance.
(22) A representative of the carpentry industry who is a journeyman carpenter and a graduate of a state indentured apprenticeship program."

Rep. LaFonta moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 43 yeas and 56 nays, the amendments were rejected.

Rep. Fannin sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Fannin to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 22:1407(J)" insert a comma "," and insert "R.S. 40:1730.2"

AMENDMENT NO. 2

On page 1, line 15, change "repeal" to "limit"

AMENDMENT NO. 3

On page 1, line 16, after "code" and before the semi-colon ";" insert

AMENDMENT NO. 4

On page 2, line 3, after "R.S. 22:1407(J)" insert a comma "," and insert "R.S. 40:1730.2"

AMENDMENT NO. 5

On page 2, between line 12 and 13, insert the following:

"§40:1730.2. Applicability of Uniform Code

The provisions of this Part shall apply only to Bienville, Jackson, Caldwell, Catahoula, Franklin, Winn, East Carroll, Grant, LaSalle, Richland, Madison, Morehouse, Caddo, St. Bernard, Orleans, Lincoln, Union, Tensas, Concordia, and Bossier Parishes and the municipalities located therein."

AMENDMENT NO. 6

On page 5, line 8, after "state" insert a comma "," and insert "except Bienville, Jackson, Caldwell, Catahoula, Franklin, Winn, East Carroll, Grant, LaSalle, Richland, Madison, Morehouse, Caddo, St. Bernard, Orleans, Lincoln, Union, Tensas, Concordia, and Bossier Parishes and the municipalities located therein."

AMENDMENT NO. 7

On page 14, delete lines 27 and 28

Rep. Fannin moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 32 yeas and 60 nays, the amendments were rejected.

Rep. Hebert sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hebert to Reengrossed Senate Bill No. 44 by Senator Hollis

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AMENDMENT NO. 1

On page 9, at the end of line 11, insert a semicolon ";" and insert "non-financed structures", and at the beginning of line 12 insert "A."

AMENDMENT NO. 2

In House Floor Amendment No. 75 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005, between lines 13 and 14, insert the following:

"B. The latest editions of the International Building Code and the International Residential Code as adopted in this Part shall not be enforced with respect to any structure that is not financed and insured."

Rep. Hebert moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 35 yeas and 63 nays, the amendments were rejected.

Rep. Montgomery sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Montgomery to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

In House Floor Amendment No. 16 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005, on line 33, after "resistance" and before the period "." insert a comma "," and insert "and are decay and termite resistant"

Rep. Montgomery moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 18 yeas and 84 nays, the amendments were rejected.

Rep. LaFonta sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LaFonta to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 3, between lines 9 and 10, insert the following:

"F. The council is encouraged to study and develop a building code specifically designed to foster cost-effective housing rehabilitation, while ensuring necessary health and safety requirements are met. Any such rehabilitation code should have statewide effect, but should have particular application to the older cities of the state and the housing types characteristic of those cities. The council is encouraged to investigate any model codes, the experience of other code enforcement jurisdictions, and consult with individuals and organizations experienced in the rehabilitation of low and moderate income housing in this state."

Rep. LaFonta moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 26 yeas and 77 nays, the amendments were rejected.

Rep. Thompson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Thompson to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 5, between lines 20 and 21, insert the following:

"D.(1) Notwithstanding any other provisions of this Part, for all areas of the state north of and including Vernon, Rapides, Avoyelles, Concordia, a parish or municipality may provide for a simplified affidavit procedure whereby a manager of a project to build a residential structure subject to the codes provided for in this Part may provide an affidavit to the parish or municipality certifying that the structure complies with the provisions of this Part. Any parish or municipality that establishes an affidavit procedure shall be deemed to comply with the code enforcement provisions of this Part."

(2) The state fire marshal may make periodic examinations of the inspections made by a project manager under this Subsection to determine that the project manager has complied with the provisions of this Part."

Rep. Thompson moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 30 yeas and 69 nays, the amendments were rejected.

Rep. Strain sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Walsworth to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

Delete House Floor Amendment No. 61 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

Rep. Strain moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 39 yeas and 63 nays, the amendments were rejected.

Rep. Walsworth sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Walsworth to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

Delete House Floor Amendment No.19 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 2

Delete House Floor Amendment No.20 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 3

On page 3, line 15, after "qualifies." insert "No member of the council shall receive per diem or other compensation for their duties on the commission.", and on line 16, change "nineteen" to "twenty-one"

AMENDMENT NO. 4

Delete House Floor Amendment No.21 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005.

AMENDMENT NO. 5

On page 4, between lines 16 and 17, insert the following:

"(20) A representative of the Association of Building Contractors.

(21) A representative of the Association of General Contractors."

On motion of Rep. Walsworth, the amendments were withdrawn.

Rep. Bowler sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bowler to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 15, after "marshal;" insert "to provide for fees"

AMENDMENT NO. 2

On page 14, line 11, after "officer" insert a colon ":" and insert "fees"

AMENDMENT NO. 3

In House Floor Amendment No. 103 proposed by Representative Pinac and adopted by the House of Representatives on November 20, 2005, after line 21, insert the following:

~~"(R.S. 40:1728.1)~~ D. In the instance the state fire marshal inspects plans and specifications on behalf of a political subdivision and others for compliance with the State Uniform Construction Code ~~under the authority of R.S. 40:1728(C),~~ the applicant shall pay to the office of state fire marshal, code enforcement and building safety, a plan review or document fee based on the following schedule:

(1) Assembly, IBC Groups A-1, A-2, A-3, A-4, and A-5

A r e a	i n	s q u a r e	f e e t
Fee			
0 - 2,500	\$	80.00	
2,501 - 4,500	\$	120.00	

4,501 - 10,000	\$	290.00
10,001 - 50,000	\$	430.00
50,001 - 100,000	\$	560.00
100,001+	\$	560.00,
		plus one cent for every square foot over 100,000

(2) Educational, IBC Group

Area in square feet	Fee
0 - 5,000	\$ 80.00
5,001 - 10,000	\$ 120.00
10,001 - 20,000	\$ 175.00
30,001 - 80,000	\$ 315.00
80,001 - 150,000	\$ 455.00
150,001+	\$ 455.00,
	plus one cent for every square foot over 150,000

(3) Institutional, IBC Groups I-1, I-2, I-3, and I-4

Area in square feet	Fee
0 - 10,000	\$ 290.00
10,001 - 20,000	\$ 430.00
20,001 - 50,000	\$ 570.00
50,001 - 100,000	\$ 710.00
100,001+	\$ 710.00,
	plus two cents for every square foot over 100,000

(4) Residential, IBC Groups R-1, R-2, R-3, and R-4

Area in square feet	Fee
0 - 2,500	\$ 80.00
2,501 - 10,000	\$ 120.00
10,001 - 30,000	\$ 290.00
30,001 - 80,000	\$ 430.00
80,001 - 150,000	\$ 570.00
150,001+	\$ 570.00,
	plus one cent for every square foot over 150,000

(5) Mercantile/business, IBC Groups M and B

Area in square feet	Fee
0 - 3,000	\$ 80.00
3,001 - 10,000	\$ 120.00
10,001 - 30,000	\$ 165.00
30,001 - 50,000	\$ 245.00
50,001 - 150,000	\$ 315.00
150,001+	\$ 315.00,
	plus one cent for every square foot over 150,000

(6) Factory, storage, utility, IBC Groups F-1, F-2, S1, S2, and

U

Area in square feet	Fee
0 - 10,000	\$ 80.00
10,001 - 20,000	\$ 120.00
20,001 - 50,000	\$ 165.00
50,001 - 100,000	\$ 205.00
100,001+	\$ 205.00,
	plus one cent for every square foot over 100,000

(7) High hazard, IBC Groups H-1, H-2, H-3, and H-4

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Area in square feet	Fee
0 - 2,000	\$ 125.00
2,001+	\$ 125.00, plus three cents for every square foot over 2,000"

Point of Order

Rep. Johns asked for a ruling from the Chair as to whether the amendment by Rep. Bowler would amend the bill to levy a new fee or increase an existing fee, and therefore the bill would require the favorable vote of two-thirds of the elected members to finally pass the House.

Ruling of the Chair

The Chair ruled the bill, if the amendment by Rep. Bowler was adopted, would levy a new fee or increase an existing fee, and therefore would require the favorable vote of two-thirds of the elected members to finally pass the House.

Point of Order

Rep. Scalise asked for a ruling from the Chair as to whether Senate Bill No. 44 levies a new fee or increases an existing fee, and therefore would require the favorable vote of two-thirds of the elected members to finally pass the House.

Ruling of the Chair

The Chair ruled the bill did not levy a new fee or increase an existing fee, and therefore would require the favorable vote of a majority of the elected members to finally pass the House.

Point of Order

Rep. Walker asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were germane to the subject matter contained in the bill as introduced.

Rep. Bowler moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 36 yeas and 64 nays, the amendments were rejected.

Rep. Triche sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Triche to Reengrossed Senate Bill No. 44 by Senator Hollis

AMENDMENT NO. 1

On page 7, line 6, between "of" and "Calcasieu," insert "Acadia."

AMENDMENT NO. 2

On page 7, line 6, between "Jefferson," and "Lafourche," insert "Lafayette."

Rep. Triche asked for and obtained a division of the question.

Rep. Triche moved adoption of Amendment No. 1.

Rep. Pinac objected.

By a vote of 34 yeas and 65 nays, the amendment was rejected.

On motion of Rep. Triche, Amendment No. 2 was withdrawn.

Rep. Pinac moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Erdey	Pinac
Alario	Farrar	Pitre
Alexander	Faucheux	Powell, M.
Ansardi	Frith	Powell, T.
Arnold	Geymann	Quezaire
Badon	Glover	Richmond
Baldone	Gray	Ritchie
Barrow	Greene	Robideaux
Baudoin	Guillory, E.	Scalise
Baylor	Guillory, M.	Schneider
Beard	Harris	Smiley
Bruce	Heaton	Smith, G.
Bruneau	Hill	Smith, J.D.—50th
Burrell	Honey	Smith, J.R.—30th
Carter, K.	Hunter	St. Germain
Cazayoux	Jackson	Strain
Crane	Jefferson	Toomy
Cravins	Johns	Townsend
Crowe	Kleckley	Trahan
Curtis	LaBruzzo	Tucker
Damico	LaFleur	Waddell
Daniel	Lambert	Walker
Dartez	Lancaster	Walsworth
Doerge	Martiny	White
Dorsey	Morrish	Winston
Dove	Pierre	
Total - 77		

NAYS

Bowler	Hutter	Morrell
Carter, R.	Katz	Odinot
DeWitt	Kennard	Romero
Downs	Kenney	Smith, J.H.—8th
Fannin	LaFonta	Thompson
Gallot	Marchand	Triche
Hammett	McDonald	Wooton
Hebert	McVea	Wright
Hopkins	Montgomery	
Total - 26		

ABSENT

Burns	Durand
Total - 2	

The Chair declared the above bill was finally passed.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Marchand, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

Conference Committee Reports Received

Conference Committee Reports were received for the following legislative instruments:

Senate Bill No. 1

The conference committee reports for the legislative instruments above lie over under the rules.

SENATE BILL NO. 89— BY SENATOR JONES

AN ACT

To enact R.S. 18:401.3, relative to holding certain elections; to provide for elections impaired as a result of a gubernatorially declared disaster or emergency; to provide for procedures for voter registration, early voting, absentee voting by mail, and election day voting; to provide for compliance with the Voting Rights Act of 1965; and to provide for related matters.

Read by title.

Rep. Bruneau moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Morrell
Alario	Frith	Morrish
Alexander	Gallot	Odinot
Ansardi	Glover	Pierre
Arnold	Gray	Pinac
Badon	Greene	Pitre
Baldone	Guillory, E.	Powell, M.
Barrow	Guillory, M.	Powell, T.
Baudoin	Hammitt	Quezaire
Baylor	Harris	Richmond
Beard	Heaton	Ritchie
Bowler	Hebert	Robideaux
Bruce	Hill	Romero
Bruneau	Honey	Scalise
Burrell	Hopkins	Schneider
Carter, K.	Hunter	Smiley
Carter, R.	Hutter	Smith, G.
Cazayoux	Jackson	Smith, J.D.—50th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White
Erdey	McDonald	Winston
Fannin	McVea	Wooton
Farrar	Montgomery	Wright
Total - 99		

NAYS

Geymann	Smith, J.H.—8th
Katz	Waddell

Total - 4

ABSENT

Burns	Durand
Total - 2	

The Chair declared the above bill was finally passed.

Rep. Bruneau moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Education

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Education to submit the following report:

Senate Concurrent Resolution No. 9, by Ullo
Reported with amendments. (8-5)

Senate Concurrent Resolution No. 29, by Ullo
Reported favorably. (9-4)

CARL CRANE
Chairman

Senate Concurrent Resolution No. 9 was referred to the Legislative Bureau.

Suspension of the Rules

Rep. Crane moved for a suspension of the rules in order to take up and consider Senate Concurrent Resolution No. 29 at this time.

Rep. Morrell objected.

By a vote of 72 yeas and 22 nays, the rules were suspended.

Senate Concurrent Resolutions Reported by Committee

The following Senate Concurrent Resolutions reported by committee were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 29— BY SENATOR ULLO AND REPRESENTATIVE CRANE A CONCURRENT RESOLUTION

To provide for legislative approval of adjustments adopted by the state Board of Elementary and Secondary Education on November 15, 2005 to the Minimum Foundation Program formula for FY 2005-06 previously developed and adopted by BESE on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Session.

Read by title.

Reported favorably by the Committee on Education.

On motion of Rep. Crane, the resolution was ordered passed to its third reading.

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Suspension of the Rules

On motion of Rep. Crane, the rules were suspended in order to take up and consider Senate Concurrent Resolutions on Third Reading for Final Consideration at this time.

Senate Concurrent Resolutions on Third Reading for Final Consideration

The following Senate Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 29—

BY SENATOR ULLO AND REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To provide for legislative approval of adjustments adopted by the state Board of Elementary and Secondary Education on November 15, 2005 to the Minimum Foundation Program formula for FY 2005-06 previously developed and adopted by BESE on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Session.

Read by title.

Rep. Crane moved the concurrence of the resolution.

Rep. Morrell objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Powell, M.
Alario	Geymann	Powell, T.
Alexander	Glover	Quezaire
Ansardi	Guillory, E.	Ritchie
Baldone	Guillory, M.	Romero
Baudoin	Hammett	Scalise
Beard	Heaton	Schneider
Bowler	Hebert	Smiley
Bruce	Hill	Smith, G.
Bruneau	Hopkins	Smith, J.D.—50th
Carter, R.	Hunter	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Crowe	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	Lambert	Triche
Doerge	Lancaster	Tucker
Dorsey	Martiny	Waddell
Dove	McDonald	Walker
Downs	McVea	White
Erdey	Montgomery	Winston
Fannin	Morrish	Wooton
Farrar	Pierre	Wright
Fauchaux	Pinac	
Frith	Pitre	
Total - 82		

NAYS

Arnold	Gray	LaFonta
Badon	Greene	Marchand
Barrow	Harris	Morrell
Baylor	Honey	Odinet

Burrell
Carter, K.
Cravins
Total - 20

Hutter
Jackson
Jefferson

Richmond
Walsworth

ABSENT

Burns
Total - 3

Durand

Robideaux

The resolution was concurred in.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE BILLS

November 20, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 156
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

House Bills and Joint Resolutions Returned from the Senate with Amendments

Rep. Alario asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 156—

BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, AND
SALTER AND SENATORS HEITMEIER, HINES, AND MOUNT
AN ACT

To appropriate funds and to make and otherwise provide for certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for the 2005-2006 Fiscal Year; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 1, delete lines 12 and 13 in their entirety

AMENDMENT NO. 2

On page 1, line 16, delete "\$500,000" and insert "\$393,000"

AMENDMENT NO. 3

On page 2, line 32, delete "\$350,000" and insert "\$5,464,000"

AMENDMENT NO. 4

On page 2, line 33, delete "\$1,384,000" and insert "\$500,000"

AMENDMENT NO. 5

On page 3, line 3, delete "\$40,000,000" and insert "\$36,000,000"

AMENDMENT NO. 6

On page 3, line 13, after "Insurance" and before "by \$1,902,005" delete "- Marketing Program"

AMENDMENT NO. 7

On page 3, line 24, delete "\$2,163,830" and insert "\$882,102"

AMENDMENT NO. 8

On page 3, line 26, delete "\$126,304" and insert "\$69,007"

AMENDMENT NO. 9

On page 4, line 14, delete "\$6,798,660" and insert "\$7,325,634"

AMENDMENT NO. 10

On page 4, between lines 14 and 15, insert the following:

"Provided, however, that the table of organization shall be reduced in the Office of Urban Affairs by seven (7) positions and the table of organization shall be reduced in the Office of Rural Development by seven (7) positions."

AMENDMENT NO. 11

On page 4, line 21, delete "\$392,560" and insert "\$42,560"

AMENDMENT NO. 12

On page 4, line 26, delete "\$4,063,716" and insert "\$4,606,670"

AMENDMENT NO. 13

On page 6, line 26, delete "\$550,000" and insert "\$327,000"

AMENDMENT NO. 14

On page 6, line 29, delete "thirty (30)" and insert "forty-five (45)"

AMENDMENT NO. 15

On page 7, between lines 9 and 10 insert the following:

"Section 3.D. The commissioner of administration is hereby authorized and directed to adjust the means of finance for Schedule 12-440 Department of Revenue contained in Act 16 of the 2005 Regular Session of the Legislature by transferring \$125,000 from the State General Fund (Direct) to the Department of Revenue for the Tax Collection Program.

Section 3.E. The sum of Five Hundred Thousand and No/100 (\$500,000.00) Dollars is hereby appropriated to Schedule 19-600

Louisiana State University Board of Supervisors for Pennington Biomedical Research Center for Fiscal Year 2005-2006 from the State General Fund (Direct) for research and education programs on the prevention of diabetes and for magnetic resonance technologies."

AMENDMENT NO. 16

On page 7, delete lines 19 and 20, and insert the following:

"Section 4.B. The sum of Seven Million Two Hundred Sixty-seven Thousand Four Hundred Forty-six and No/100 (\$7,267,446.00) Dollars is hereby appropriated from the State General Fund by Fees and"

AMENDMENT NO. 17

On page 7, delete lines 24 through 30 and on page 8, delete lines 1 through 16, and insert the following:

"Section 4.D. The sum of Fifty-six Thousand and No/100 (\$56,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from State General Fund (Direct) to 19-651 Special Schools and Commissions - Louisiana School for the Visually Impaired to be used for operations.

Section 4.E. The sum of Two Hundred Thirty-one Thousand and No/100 (\$231,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from State General Fund (Direct) to 19-653 Special Schools and Commissions - Louisiana School for the Deaf to be used for operations.

Section 4.F. The sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from State General Fund (Direct) to 19-681 Department of Education - Subgrantee Assistance - School and Community Support Program for St. Mary's Residential Training School."

AMENDMENT NO. 18

On page 9, line 1, after "Section 6." and before "The" insert "(A)"

AMENDMENT NO. 19

On page 9, between lines 6 and 7, insert the following:

"(B) Provided, however, that in the reduction of expenditures contained in Executive Order No. KBB 2005-82, Section 1, Schedule 01 - Executive Department, 01-100 Executive Office, the reduction shall be changed from (\$1,990,658) to (\$1,648,672) and provided, further, that the reduction allocated to the Louisiana Indigent Defender Assistance Board Program within the Executive Office shall be changed from (\$524,729) to (\$182,743).

(C) Provided, however, that with regard to the "spending freeze" and the reduction of expenditures, as well as the technical division of the Louisiana Community and Technical College System established by Act No. 506 of the 2005 Regular Session of the Legislature, the Board of Supervisors of the Community and Technical College System shall submit its proposed plan for the technical division to the Joint Legislative Committee on the Budget no later than February 15, 2006. Provided, further, that on a quarterly basis, the Louisiana Community and Technical College Board of Supervisors shall submit to the Joint Legislative Committee on the Budget a quarterly expense report for the technical division, indicating both quarterly and year-to-date budgeted and actual educational and general expenditures, beginning March 15, 2006. Provided, further, that any monies appropriated to Louisiana Technical College in Fiscal Year 2005-2006 as Fees and Self-generated Revenues pursuant to Act No. 461 of the 2005 Regular Session shall henceforth be used to offset any expenditure reductions in the Louisiana Technical College that were made pursuant to either

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Executive Order No. KBB 2005-38 or Executive Order No. KBB 2005-82. Provided, further, that such monies shall be shared among all campuses of the Louisiana Technical College in order to offset such reductions, regardless of the campus where such monies originated."

AMENDMENT NO. 20

On page 9, delete lines 12 through 22 in their entirety

AMENDMENT NO. 21

On page 9, line 23, delete "Section 9." and insert "Section 8."

AMENDMENT NO. 22

On page 9, line 27, delete "Section 10." and insert "Section 9."

AMENDMENT NO. 23

On page 10, delete lines 1 through 9 and insert the following:

"Section 10. It is the intent of the legislature to express its support of the state's efforts to provide health care services to the medically indigent and uninsured, especially those individuals personally impacted by Hurricanes Katrina and Rita. Therefore, the legislature hereby directs the Louisiana State University Health Care Services Division, Louisiana State University Health Sciences Center – Shreveport and E.A. Conway Medical Center, working in conjunction with the Department of Health and Hospitals, to review options available to the state to maximize financing for the provision of health care services to these individuals and long-term stability of the state's public hospital system. Specifically, the agencies are to consider the possibility of the certification of allowable uncompensated care costs that are eligible for federal financial participation under Title XIX of the Social Security Act and access to the federal uncompensated care pool that may be used to reimburse providers for the costs of delivering health care services to uninsured hurricane evacuees.

Section 11. In the event the federal government increases some component of the federal financial participation in Louisiana's Medicaid program to one-hundred (100) percent for at least some part of Fiscal Year 2005-2006, the Department of Health and Hospitals is hereby directed to restore reductions in Medicaid reimbursement methodologies implemented in response to decreases in the budget for 09-306 Medical Vendor Payments made pursuant to this Act or Executive Order No. KBB 2005-82. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to day of implementation.

Section 12. The commissioner of administration is hereby authorized and directed to reduce the State General Fund (Direct) appropriations contained in Act 16 of the 2005 Regular Session of the Legislature, Section 18, SCHEDULE 20 OTHER REQUIREMENTS, 20-906 DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS by the amount of Seven Hundred Ninety-one Thousand Eight Hundred Twenty-one and No/100 (\$791,821.00) Dollars.

Section 13. Section 10.A. of Act 16 of the 2005 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

"Section 10.A. Pursuant to Article IV, Section 5(G)(2) and Article VII, Section 10(F) of the constitution, if at any time during Fiscal Year 2005-2006 the official budget status report indicates that appropriations will exceed the official revenue forecast, the governor shall have full power to reduce appropriations in accordance with R.S. 39:75."

AMENDMENT NO. 24

On page 10, line 10, change "Section 12." to "Section 14."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

In Senate Committee Amendment No. 15, proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005, on page 2, delete lines 6 through 9, and insert in lieu thereof:

"Section 3.D. The sum of One Hundred Twenty-five Thousand and No/100 (\$125,000.00) Dollars is hereby appropriated to Schedule 12-440 Office of Revenue for Fiscal Year 2005-2006 from the State General Fund (Direct) for the Tax Collection Program."

AMENDMENT NO. 2

In Senate Committee Amendment No. 17, proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005, on page 2, line 23, change "Section 4.D." to "Section 4.C.", on page 2, line 27, change "Section 4.E." to "Section 4.D." and on page 2, line 31, change "Section 4.F." to "Section 4.E.", and on page 2, between lines 34 and 35, insert the following:

"Section 4.F. The sum of Three Hundred Forty-one Thousand Nine Hundred Eighty-six and No/100 (\$341,986.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from the State General Fund (Direct) to Schedule 01-100 Executive Office for the Louisiana Indigent Defense Assistance Board for restoration of services."

AMENDMENT NO. 3

In Senate Committee Amendment No. 19, proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005, on page 2, delete lines 39 through 43 and on line 44, change "(C)" to "(B)"

AMENDMENT NO. 4

In Senate Committee Amendment No. 19, proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005, on page 3, line 10, change "Act No. 461" to "Act No. 179"

AMENDMENT NO. 5

In Senate Committee Amendment No. 23, proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005, on page 4, line 4, after "39:75" and before the period "." insert "beginning January 1, 2006"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 9, line 6 change "ratified and confirmed." to "adopted and approved for implementation."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 14 proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

In Senate Committee Amendment No. 19 proposed by the Senate Committee on Finance and adopted by the Senate on November 19, 2005, on page 3, line 4, after "2006." and before "Provided" insert the following:

"Provided, further, that the Louisiana Technical College, pursuant to the aforementioned "spending freeze" and reduction of expenditures, shall prioritize its necessary budget adjustments so that initial reductions are applied to the greatest extent possible to the following administrative components: the Louisiana Technical College Central Office; the Louisiana Technical College college-wide budget, including, but not limited to, assessments charged by the Louisiana Community and Technical College System; Management Information System/PeopleSoft Implementation; and the Louisiana Technical College District Offices."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 7, between lines 9 and 10, insert:

"Section 3.D. The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Department of Education contained in Act 16 of the 2005 Regular Session of the Legislature by transferring a total of \$3,000,000 in appropriations from the State General Fund (Direct) into Schedule 19-695 Minimum Foundation Program from the following budget units: Schedule 19-678 State Activities; 19-681 Subgrantee Assistance; Schedule 19-682 Recovery School District; Schedule 19-697 Nonpublic Educational Assistance; and Schedule 19-699 Special School Districts. These funds shall be utilized in Schedule 19-695 Minimum Foundation Program so as to correct a funding error negatively impacting the Pointe Coupee Parish School District."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fontenot to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 10, at the bottom of the page, insert:

"Section 15. The reduction of the state general fund by statutory dedications for 19-600 Louisiana State University Board of Supervisors out of the Fireman's Training Fund by \$275,000 as provided for in this Act shall not occur to the extent that expenditures from such fund for the Tuition Opportunity Program for the fiscal year are less than eight million dollars (\$8,000,000) of amount appropriated for such program as of November 20, 2005."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

In the set of five Senate Floor Amendments proposed by Senator Heitmeier and adopted by the Senate on November 20, 2005, delete Amendment No. 5 on page 1, lines 29 through 31.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shepherd to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 10, between lines 9 and 10, insert the following:

"Section 12. It is the intent of the legislature that compensation for travel expenses shall be limited to only in-state travel for the appointed members of the management boards. For the purposes of this Section, management boards shall be defined as the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors for the University of Louisiana System, and the Board of Supervisors of Community and Technical Colleges. The provisions of this Section shall expire on June 30, 2006."

AMENDMENT NO. 2

On page 10, at the beginning of line 10, delete "Section 12" and insert "Section 13"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 10, after line 14, insert the following:

"Section 13. Notwithstanding any other provision of this Act or any other Act making legislative appropriation to the contrary, no one person shall receive compensation for both a legislative assistant and a legislative aide during their participation during a regular or special session."

Rep. Alario moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Pierre
Alario	Greene	Pinac
Ansardi	Guillory, E.	Pitre
Arnold	Guillory, M.	Powell, M.
Badon	Hammett	Powell, T.
Baldone	Harris	Quezaire
Barrow	Heaton	Ritchie
Baudoin	Hebert	Robideaux
Baylor	Hill	Romero
Beard	Honey	Scalise
Bowler	Hopkins	Schneider
Bruce	Hunter	Smiley
Bruneau	Hutter	Smith, G.

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Burrell	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walker
Downs	Martiny	Walsworth
Erdey	McDonald	White
Fannin	McVea	Winston
Farrar	Montgomery	Wooton
Faucheux	Morrell	Wright
Frith	Morrish	
Gallot	Odinet	
Total - 97		

NAYS

Alexander
Total - 1

ABSENT

Burns	Durand	Richmond
Carter, K.	Glover	
Curtis	Gray	
Total - 7		

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Message from the Senate

HOUSE BILLS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 5
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

House Bills and Joint Resolutions Returned from the Senate with Amendments

Rep. Walker asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 5—

BY REPRESENTATIVES WALKER, KATZ, AND PINAC
AN ACT

To enact R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10), relative to minimum standards for licensure for hospitals, nursing facilities, and intermediate care facilities for the

mentally retarded; to provide the Department of Health and Hospitals the authority to promulgate rules for facilities located in areas subject to hurricanes, tidal surges, or flooding; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 5 by Representative Walker

AMENDMENT NO. 1

On page 1, delete line 14 and insert the following:

"(6) The establishment or reestablishment of facilities"

AMENDMENT NO. 2

On page 1, line 17 after "of" delete "stricter"

AMENDMENT NO. 3

On page 1, delete line 18 and insert the following:

"(b) Restrictions of location of newly approved facilities that are subject to the provisions of the facility need review process.

(c) Provisions in the reimbursement methodology for prospective payment of expenses related to land purchases and building and construction codes and guidelines."

AMENDMENT NO. 4

On page 2, line 1, change "(c)" to "(d)"

AMENDMENT NO. 5

On page 2, delete line 11 and insert the following:

"(c) The establishment or reestablishment of facilities"

AMENDMENT NO. 6

On page 2, line 14 after "of" delete "stricter"

AMENDMENT NO. 7

On page 2, delete line 15 and insert the following:

"(ii) Restrictions of location of newly approved facilities that are subject to the provisions of the facility need review process.

(iii) Provisions in the reimbursement methodology for prospective payment of expenses related to land purchases and building and construction codes and guidelines."

AMENDMENT NO. 8

On page 2, delete line 22 and insert the following:

"(c) The establishment or reestablishment of facilities"

AMENDMENT NO. 9

On page 2, line 25 after "of" delete "stricter"

AMENDMENT NO. 10

On page 2, delete line 26 and insert the following:

"(b) Restrictions of location of newly approved facilities that are subject to the provisions of the facility need review process.

(c) Provisions in the reimbursement methodology for prospective payment of expenses related to land purchases and building and construction codes and guidelines."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Reengrossed House Bill No. 5 by Representative Walker

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 1, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005.

AMENDMENT NO. 2

Delete Senate Committee Amendment No. 3, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005 and on page 1, delete line 18 and insert the following:

"(b) Restrictions of location of newly approved facilities that are subject to the provisions of the facility need review process.

(c) Provisions for the facility-specific Medicaid reimbursement of costs directly incurred as a result of compliance.

(d) Provisions for reasonable time periods for compliance, not to exceed three years, except when extensions are granted by the department for good cause."

AMENDMENT NO. 3

Delete Senate Committee Amendment No. 4, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005 and on page 2, delete lines 1 and 2.

AMENDMENT NO. 4

Delete Senate Committee Amendment No. 5, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005.

AMENDMENT NO. 5

Delete Senate Committee Amendment No. 7, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005 and on page 2, delete line 15 and insert the following:

"(ii) Provisions for the facility-specific Medicaid reimbursement of costs directly incurred as a result of compliance.

(iii) Provisions for reasonable time periods for compliance, not to exceed three years, except when extensions are granted by the department for good cause."

AMENDMENT NO. 6

Delete Senate Committee Amendment No. 8, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005.

AMENDMENT NO. 7

Delete Senate Committee Amendment No. 10, proposed by the Senate Committee on Health and Welfare and adopted by the Senate on November 16, 2005 and on page 2, delete line 26 and insert the following:

"(b) Restrictions of location of newly approved facilities that are subject to the provisions of the facility need review process.

(c) Provisions for the facility-specific Medicaid costs directly incurred as a result of compliance.

(d) Provision for reasonable time periods for compliance, not to exceed three years, except when extensions are granted by the department for good cause."

Rep. Walker moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Morrish
Alario	Glover	Odinot
Alexander	Gray	Pierre
Arnold	Greene	Pinac
Badon	Guillory, E.	Pitre
Baldone	Guillory, M.	Powell, M.
Barrow	Hammett	Powell, T.
Baudoin	Harris	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Ritchie
Bowler	Hill	Robideaux
Bruce	Honey	Romero
Bruneau	Hopkins	Scalise
Burrell	Hunter	Schneider
Carter, K.	Hutter	Smiley
Carter, R.	Jackson	Smith, G.
Cazayoux	Jefferson	Smith, J.D.--50th
Crane	Johns	Smith, J.H.--8th
Cravins	Katz	Smith, J.R.--30th
Crowe	Kennard	St. Germain
Damico	Kenney	Strain
Daniel	Kleckley	Thompson
DeWitt	LaBruzzo	Toomy
Doerge	LaFleur	Townsend
Dorsey	LaFonta	Trahan
Dove	Lambert	Triche
Downs	Lancaster	Tucker
Erdey	Marchand	Waddell
Fannin	Martiny	Walker
Farrar	McDonald	Walsworth
Faucheux	McVea	White
Frith	Montgomery	Winston
Gallot	Morrell	Wright
Total - 99		

NAYS

Total - 0

ABSENT

Ansardi	Curtis	Durand
Burns	Dartez	Wooton
Total - 6		

The amendments proposed by the Senate were rejected.

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Conference committee appointment pending.

Message from the Senate

HOUSE BILLS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 9
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

House Bills and Joint Resolutions Returned from the Senate with Amendments

Rep. LaFleur asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 9—

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, ALARIO, DEWITT, DORSEY, HAMMETT, LANCASTER, AND SALTER AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To enact R.S. 42:1114.3 and to repeal R.S. 42:1114.1(B)(2), relative to disclosure; to require certain officials to disclose information to the Board of Ethics regarding certain contracts or subcontracts; to provide for the content of such disclosure; to provide for penalties; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 9 by Representative LaFleur

AMENDMENT NO. 1

On page 1, line 2, delete "and to repeal R.S. 42:1114.1(B)(2)"

AMENDMENT NO. 2

On page 1, line 10, change "an immediate" to "his spouse"

AMENDMENT NO. 3

On page 1, line 11, delete "family member" and change "immediate" to "spouse"

AMENDMENT NO. 4

On page 1, line 12, delete "family member"

AMENDMENT NO. 5

On page 1, line 14, change "immediate family member" to "spouse"

AMENDMENT NO. 6

On page 2, line 1, change "immediate family" to "his spouse"

AMENDMENT NO. 7

On page 2, line 2, delete "member" and change "the immediate family member" to "his spouse"

AMENDMENT NO. 8

On page 2, line 3, change "immediate family" to "spouse"

AMENDMENT NO. 9

On page 2, line 5, change "immediate family member's" to "spouse's"

AMENDMENT NO. 10

On page 2, line 6, change "immediate" to "his spouse"

AMENDMENT NO. 11

On page 2, line 7, delete "family member"

AMENDMENT NO. 12

On page 2, line 23, change "immediate family member" to "his spouse"

AMENDMENT NO. 13

On page 2, line 27, change "immediate family member" to "spouse"

AMENDMENT NO. 14

On page 3, line 15, change "immediate family member" to "his spouse"

AMENDMENT NO. 15

On page 4, delete lines 18 through 24

AMENDMENT NO. 16

On page 4, line 25, change "Section 3." to "Section 2."

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 9 by Representative LaFleur

AMENDMENT NO. 1

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on November 17, 2005, on page 1, line 12, change "immediate family" to "the immediate family"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 9 by Representative LaFleur

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 proposed by the Senate Committee on Senate and

Governmental Affairs and adopted by the Senate on November 17, 2005.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Re-Reengrossed House Bill No. 9 by Representative LaFleur

AMENDMENT NO. 1

On page 1, line 2 after "require" insert "certain"

AMENDMENT NO. 2

On page 1, line 4, after "subcontracts;" insert "to provide the method by which legislators report certain contracts and subcontracts;"

AMENDMENT NO. 3

On page 2, line 20 after "official" insert ", other than a legislator."

AMENDMENT NO. 4

On page 2, line 24 after "later." insert the following

"Each member of the legislature subject to the provisions of this Section shall file an initial disclosure statement with the clerical officer of the house to which he or she belongs no later than thirty days after the effective date of this Section or fifteen days after the legislator, spouse, or legal entity enters into the contract or subcontract, whichever occurs later."

AMENDMENT NO. 5

On page 3, line 4 delete "with the Board" and on line 5, delete "Ethics"

AMENDMENT NO. 6

On page 4, between lines 23 and 24 insert the following:

"H. The secretary of the Senate and the clerk of the House of Representatives jointly shall prescribe a form for filing of reports by members of the legislature, as is required by this Section. The secretary shall notify each member of the Senate and the clerk shall notify each member of the House of Representatives that the report is due within the time as is provided by this Section. Within fifteen days of receipt, the secretary and the clerk shall transmit to the Board of Ethics copies of all disclosure reports filed with them, respectively. Reports transmitted by the secretary of the Senate and the clerk of the House shall be deemed to having been filed with the Board of Ethics by the member, as of the date of filing with the clerical officer."

Rep. LaFleur moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Pierre
Alario	Geymann	Pinac
Alexander	Glover	Pitre
Ansardi	Gray	Powell, M.
Arnold	Greene	Powell, T.
Badon	Guillory, E.	Quezaire
Baldone	Guillory, M.	Richmond
Barrow	Hammett	Ritchie

Baudoin
Baylor
Beard
Bowler
Bruce
Bruneau
Burrell
Carter, K.
Carter, R.
Cazayoux
Crane
Cravins
Crowe
Curtis
Damico
Daniel
DeWitt
Doerge
Dorsey
Dove
Downs
Erdey
Fannin
Farrar
Faucheux
Frith

Total - 100

Harris
Heaton
Hebert
Hill
Honey
Hopkins
Hunter
Hutter
Jackson
Jefferson
Johns
Katz
Kennard
Kenney
Kleckley
LaBruzzo
LaFleur
LaFonta
Lambert
Lancaster
Marchand
McDonald
McVea
Montgomery
Morrell
Morrish

Robideaux
Romero
Scalise
Schneider
Smiley
Smith, G.
Smith, J.D.-50th
Smith, J.H.-8th
Smith, J.R.-30th
St. Germain
Strain
Thompson
Toomy
Townsend
Trahan
Triche
Tucker
Waddell
Walker
Walsworth
White
Winston
Wooton
Wright

NAYS

Total - 0

ABSENT

Burns
Dartez
Total - 5

Durand
Martiny

Odinot

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Message from the Senate

HOUSE BILLS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 24
Returned with amendments

House Bill No. 40
Returned with amendments

House Bill No. 41
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**House Bills and Joint Resolutions
Returned from the Senate with Amendments**

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Rep. Hammett asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 40—

BY REPRESENTATIVES HAMMETT, MONTGOMERY, PINAC, ARNOLD, CURTIS, DARTEZ, FAUCHEUX, HILL, KENNEY, AND JANE SMITH

AN ACT

To amend and reenact R.S. 47:331(P)(2), relative to the state sales and use tax; to provide a reduction in the rate of the sales tax for sales of natural gas and electricity; to provide for an effective date; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 40 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 6, change "enacted" to "amended and reenacted"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed House Bill No. 40 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:331(P)(2)" insert:

"and to enact R.S. 47:301(3)(j) and (13)(I), and 302(T), 321(J), and 331(R)"

AMENDMENT NO. 2

On page 1, line 6, change "enacted" to the following:

"amended and reenacted and R.S. 47:301(3)(j) and (13)(I), and 302(T), 321(J), and 331(R) are hereby enacted"

AMENDMENT NO. 3

On page 1, between lines 6 and 7, insert:

"§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

	*	*	*
(3)	*	*	*
	*	*	*

(j) For the purpose of the sales and use taxes imposed by the state or any political subdivision whose boundaries are coterminous with those of the state, the "cost price" of natural gas for the period January 1, 2006 through December 31, 2008, purchased or used by paper or wood products manufacturing facilities shall not include any amount in excess of six dollars and twenty cents per MMBtu.

*	*	*
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(13)	*	*	*
	*	*	*

(I) For purposes of the sales and use tax imposed by the state or any political subdivision whose boundaries are coterminous with those of the state, the "sales price" of natural gas the period January 1, 2006 through December 31, 2008, sold for use by paper or wood products manufacturing facilities shall not include any amount in excess of six dollars and twenty cents per MMBtu.

*	*	*
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§302. Imposition of tax

*	*	*
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T. Notwithstanding any other provision of law to the contrary and specifically notwithstanding any provision of Act No. 4 of the 2004 First Extraordinary Session which makes any state sales and use tax exemption inapplicable, inoperable, and of no effect, the exemption provided for electric power or energy shall be applicable, operable, and effective as to the tax levied pursuant to the provisions of this Section for the period January 1, 2006 through December 31, 2008, for the sale, purchase, or use of such electric power or energy by paper or wood products manufacturing facilities.

*	*	*
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§321. Imposition of tax

*	*	*
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J. Notwithstanding any other provision of law to the contrary and specifically notwithstanding any provision of Act No. 4 of the 2004 First Extraordinary Session which makes any state sales and use tax exemption inapplicable, inoperable, and of no effect, the exemption provided for electric power or energy shall be applicable, operable, and effective as to all of the tax levied pursuant to the provisions of this Section for the period January 1, 2006 through December 31, 2008, for the sale, purchase, or use of such electric power or energy by paper or wood products manufacturing facilities.

*	*	*
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AMENDMENT NO. 4

On page 1, line 15, change "For" to the following:

"Except as provided for in Subsection R of this Section, for"

AMENDMENT NO. 5

On page 1, after line 22, insert:

"*	*	*
----	---	---

R. Notwithstanding any other provision of law to the contrary and specifically notwithstanding any provision of Act No. 4 of the 2004 First Extraordinary Session which makes any state sales and use tax exemption inapplicable, inoperable, and of no effect, the exemption provided for electric power or energy shall be applicable, operable, and effective as to all of the tax levied pursuant to the provisions of this Section for the period January 1, 2006 through December 31, 2008, for the sale, purchase, or use of such electric power or energy by paper or wood products manufacturing facilities."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed House Bill No. 40 by Representative Hammett

AMENDMENT NO. 1

On page 1, between lines 5 and 6, insert:

"Section 1. The Legislature of the State of Louisiana hereby recognizes that the effect of provisions of this Act on the state fisc is lessened by the fact that no taxpayers have taken advantage of the income tax credit provided for in Act 504 of the 2005 Regular Session of the Legislature for contractors and subcontractors who offer to pay a certain amount of the premiums for health insurance coverage for their employees and dependents, and therefore tax receipts to the state and have not been reduced as anticipated. Further, the Legislature of the State of Louisiana recognizes that the enactment of this Act will have a similar effect as Act 504 because it contributes to an effort to save jobs under dire threat in the paper and wood products manufacturing industry, jobs which have health insurance coverage for employees."

AMENDMENT NO. 2

On page 1, line 6, change "Section 1." to "Section 2."

AMENDMENT NO. 3

On page 2, line 1, change "Section 2." to "Section 3."

AMENDMENT NO. 4

On page 2, line 3, change "Section 3." to "Section 4."

Rep. Hammett moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	McDonald
Alario	Gallot	Montgomery
Alexander	Glover	Morrell
Ansardi	Gray	Morrish
Arnold	Greene	Odinot
Badon	Guillory, E.	Pierre
Baldone	Guillory, M.	Pinac
Barrow	Hammett	Pitre
Baudoin	Harris	Quezaire
Baylor	Heaton	Richmond
Beard	Honey	Romero
Bowler	Hopkins	Schneider
Bruce	Hunter	Smiley
Bruneau	Hutter	Smith, G.
Burrell	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Kenney	St. Germain
Curtis	Kleckley	Strain
Damico	LaFleur	Thompson
Daniel	LaFonta	Toomy
DeWitt	Lambert	Townsend
Doerge	Lancaster	Triche
Dorsey	Marchand	Wooton
Fauchoux	Martiny	Wright
Total - 75		

NAYS

Carter, K.	Geymann	Scalise
Cazayoux	Hill	Trahan
Crowe	Katz	Tucker

Dove	LaBruzzo	Waddell
Downs	McVea	Walker
Erdey	Powell, M.	Walsworth
Fannin	Powell, T.	White
Farrar	Ritchie	Winston

Total - 24

ABSENT

Burns	Durand	Kennard
Dartez	Hebert	Robideaux
Total - 6		

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

HOUSE BILL NO. 41—

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, MONTGOMERY, ODINET, SCALISE, JANE SMITH, TOWNSEND, TUCKER, ALARIO, ALEXANDER, ANSARDI, BEARD, BOWLER, BRUCE, BURNS, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GEYMAN, GLOVER, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, McDONALD, MCVEA, MORRELL, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SALTER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To amend and reenact R.S. 47:609(A), relative to the corporation franchise tax; to provide for the computation of borrowed capital which includes extraordinary debt incurred by corporations directly affected by Hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 41 by Representative Hammett

AMENDMENT NO. 1

On page 2, at the end of line 14, after "if" insert "it meets either of the following conditions"

AMENDMENT NO. 2

On page 2, at the end of line 24, delete "Subparagraph" and insert "Items (2)(a)(i) and (ii) of this Paragraph"

AMENDMENT NO. 3

On page 2, at the beginning of line 25, delete "(2)(a) or (b) of this Subsection"

Rep. Hammett moved that the amendments proposed by the Senate be rejected.

ROLL CALL

The roll was called with the following result:

YEAS

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Mr. Speaker	Gallot	Odinet
Alario	Geymann	Pierre
Alexander	Glover	Pinac
Ansardi	Gray	Pitre
Arnold	Greene	Powell, M.
Badon	Guillory, E.	Powell, T.
Baldone	Guillory, M.	Quezaire
Barrow	Hammett	Richmond
Baudoin	Harris	Ritchie
Baylor	Heaton	Robideaux
Beard	Hebert	Romero
Bowler	Hill	Scalise
Bruce	Honey	Schneider
Bruneau	Hunter	Smiley
Burrell	Hutter	Smith, G.
Carter, K.	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walker
Downs	Martiny	Walsworth
Erdey	McDonald	White
Fannin	McVea	Winston
Farrar	Montgomery	Wooton
Fauchoux	Morrell	Wright
Frith	Morrish	

Total - 101

NAYS

Total - 0

ABSENT

Burns	Durand
Dartez	Hopkins
Total - 4	

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Message from the Senate

HOUSE BILLS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 42
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**House Bills and Joint Resolutions
Returned from the Senate with Amendments**

Rep. Montgomery asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate, with amendments to be concurred in by the House, with a view of acting on the same:

HOUSE BILL NO. 42—

BY REPRESENTATIVES MONTGOMERY, ARNOLD, ALARIO, BALDONE, DARTEZ, DEWITT, DORSEY, FARRAR, FAUCHEUX, HAMMETT, HEATON, HILL, KENNEY, LABRUZZO, ODINET, SALTER, SCALISE, JANE SMITH, TOWNSEND, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KLECKLEY, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To enact R.S. 47:305.54, relative to the state sales and use tax; to enact the 2005 Louisiana Sales Tax Holiday Act; to provide that the state sales and use tax shall not apply to consumer purchases of tangible personal property on a certain date from certain selling dealers; to provide restrictions on the types and cost of purchases that are eligible for exemption; to provide for an effective date; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 42 by Representative Montgomery

AMENDMENT NO. 1

On page 2, at the end of line 2, delete "Beginning" and delete lines 3 through 6

AMENDMENT NO. 2

On page 2, delete line 8, and insert:

"items of tangible personal property that are not for use in a trade, business, or profession"

On page 2, at the end of line 11, insert:

""Consumer purchases" as used in this Paragraph shall not mean the purchase of a vehicle subject to license and title."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Reengrossed House Bill No. 42 by Representative Montgomery

AMENDMENT NO. 1

In Senate Committee Amendment No. 2, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on November 18, 2005, on page 1, line 9, after "title" insert:

"nor the purchase of meals furnished for consumption on the premises where purchased, including to-go orders"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Reengrossed House Bill No. 42 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 5, change "on certain date" to "certain dates"

AMENDMENT NO. 2

On page 2, line 2, change "on December 9, 10, and 11, 2005" to "on December 16, 17, and 18, 2005."

AMENDMENT NO. 3

On page 2, line 12, after "only if" delete the remainder of the line and insert:

"during the period provided for in Subsection A of this Section,"

AMENDMENT NO. 4

On page 2, line 20, change "December 9, 10, and 11, 2005" to "the period provided for in Subsection A of this Section"

AMENDMENT NO. 5

On page 2, line 24, change "on December 9, 10, and 11, 2005" to "during the period provided for in Subsection A of this Section"

AMENDMENT NO. 6

On page 2, line 28, change "December 11, 2005" to "such period"

AMENDMENT NO. 7

On page 3, line 1, change "on December 9, 10, and" to "during the period provided for in Subsection A of this Section" and on line 2, delete "11, 2005"

AMENDMENT NO. 8

On page 3, line 3, change "December 11, 2005" to "such period"

AMENDMENT NO. 9

On page 3, line 5, change "December 9, 10, and 11, 2005" to "the period provided for in Subsection A of this Section"

AMENDMENT NO. 10

On page 3, line 6, change "on December 9, 10, and 11, 2005" to "during the period provided for in Subsection A of this Section"

AMENDMENT NO. 11

On page 3, line 14, change "December 11, 2005" to "the period provided for in Subsection A of this Section"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shepherd to Reengrossed House Bill No. 42 by Representative Montgomery

AMENDMENT NO. 1

Delete Senate Committee Amendments No. 1 and 2 proposed by Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate November 18, 2005.

AMENDMENT NO. 2

On page 1, delete lines 11 through 13 and delete pages 2 and on page 3, delete lines 1 through 21, and insert the following:

"A. This Act shall be known as the 2005 Louisiana Sales Tax Holiday Act.

B.(1) Notwithstanding any other provisions of law to the contrary, the sales tax levied by the state of Louisiana and its political subdivisions whose boundaries are coterminous of those of the state shall not apply to consumer purchases of tangible personal property for non-business use which occur between 3:00 p.m. Thursday, December 8, 2005, and midnight Sunday, December 11, 2005.

(2) For purposes of this Act, "consumer purchases" shall mean purchases of items of tangible personal property costing ten thousand dollars or less per unit that are not for use in a trade, business or profession. Manufacturers' coupons and rebates and charges for delivery to the customer shall not be considered in determining whether an item costs ten thousand dollars or less. "Consumer purchases" as used in this Paragraph shall not mean the purchase of a vehicle subject to license and title.

C. This provision will apply if and only if during the period provided in Subsection A of this Section, one of the following occur:

(1) Title to or possession of an item of tangible personal property is transferred from a selling dealer to a purchaser.

(2) A customer selects an eligible item from the selling dealer's inventory for layaway that is physically set aside in the selling dealer's inventory for future delivery to that customer.

(3) The customer makes final payment and withdraws an item from layaway that might have been placed before the period provided in Subsection A of this Section.

(4) The customer orders and pays for an eligible item and the selling dealer accepts the order for immediate shipment, even if delivery is made after the period provided in Subsection A of this Section, provided that the customer has not requested delayed shipment.

D. Eligible items that customers purchase during the period provided in Subsection A of this Section with "rain checks" will qualify for exemption, regardless of when the "rain checks" were issued. However, issuance of "rain checks" during the exemption period will not qualify items for exemption if the otherwise eligible items are actually purchased after such period.

E.(1) When a customer purchases an eligible item during the period provided in Subsection A of this Section, and exchanges the item without additional cash consideration after such period, for an essentially similar item of different size, color, or because of a flaw or failure of the item, no additional tax is due.

(2) When a customer after the period provided in Subsection A of this Section, returns an eligible item that was purchased during such period, and receives credit on the purchase of a different item, the appropriate sales tax is due on the purchase of the new item.

F. Articles that are normally sold as a unit must continue to be sold in that manner, and cannot be priced separately in order to bring the individual items below the ten thousand dollar eligibility threshold. Items that are advertised as "buy one, get one free" or "buy one, get one at a reduced price" cannot be averaged in order for both items to fall under the ten thousand dollar eligibility threshold.

G. For a sixty-day period after the period provided in Subsection A of this Section, when a customer returns an item that would qualify for an exemption, no credit or refunds of sales tax shall be given unless the customer provides a receipt or invoice that shows

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that the state sales tax was paid, or the retailer has sufficient documentation that shows that the tax was paid on the specific item. This sixty-day period is not intended to change a dealer's policy concerning the time period during which returns will be accepted.

H. Notwithstanding any other provisions of law to the contrary, the terms of this Section shall be voluntary for retail dealers; however all retailers who intend to not grant the sales tax holiday authorized in this Section shall notify the Department of Revenue not less than three days prior to the holiday period and shall place public notice signs prominently displayed in their establishment to that effect.

I. All retail dealers who must make adjustments to their cash registers resulting from offering the sales tax holiday authorized in this Section shall be reimbursed at a rate of fifty dollars per cash register.

Section 2. The secretary of the Department of Revenue is authorized to adopt and promulgate rules for the administration of the provisions of this Act in accordance with the Administrative Procedure Act."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Reengrossed House Bill No. 42 by Representative Montgomery

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 proposed by Senator Shepherd and adopted by the Senate on November 21, 2005:

On page 1, line 15, after "(2)" insert "(a)"

On page 1, at the end of line 17, after "profession" insert:

"unless such trade, business, or profession is purchasing items to replace or repair items of tangible personal property lost or damaged by wind, water, fire, or criminal act as a result of conditions created by Hurricanes Katrina and Rita"

On page 1, between lines 21 and 22, insert:

"(b) No trade, business, or profession shall be entitled to purchase items of tangible personal property without payment of the tax imposed by R.S. 47:302, 321, and 331 before submitting to the secretary of the Department of Revenue a signed and notarized application of the principal, partner, member, or officer certifying that such items are purchased to replace or repair items of tangible personal property lost or damaged by wind, water, fire, or criminal act as a result of conditions created by Hurricanes Katrina and Rita."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Reengrossed House Bill No. 42 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 5, change "on certain date" to "certain dates"

AMENDMENT NO. 2

On page 2, line 2, change "on December 9, 10, and 11, 2005" to "on December 15, 16, 17, and 18, 2005."

AMENDMENT NO. 3

On page 2, line 12, after "only if" delete the remainder of the line and insert:

"during the period provided for in Subsection A of this Section,"

AMENDMENT NO. 4

On page 2, line 20, change "December 9, 10, and 11, 2005" to "the period provided for in Subsection A of this Section"

AMENDMENT NO. 5

On page 2, line 24, change "on December 9, 10, and 11, 2005" to "during the period provided for in Subsection A of this Section"

AMENDMENT NO. 6

On page 2, line 28, change "December 11, 2005" to "such period"

AMENDMENT NO. 7

On page 3, line 1, change "on December 9, 10, and" to "during the period provided for in Subsection A of this Section" and on line 2, delete "11, 2005"

AMENDMENT NO. 8

On page 3, line 3, change "December 11, 2005" to "such period"

AMENDMENT NO. 9

On page 3, line 5, change "December 9, 10, and 11, 2005" to "the period provided for in Subsection A of this Section"

AMENDMENT NO. 10

On page 3, line 6, change "on December 9, 10, and 11, 2005" to "during the period provided for in Subsection A of this Section"

AMENDMENT NO. 11

On page 3, line 14, change "December 11, 2005" to "the period provided for in Subsection A of this Section"

Rep. Montgomery moved that the amendments proposed by the Senate be rejected.

As a substitute motion, Rep. Hebert moved that the amendments proposed by the Senate be concurred in.

Rep. Montgomery objected.

On motion of Rep. Hebert, the motion to concur in the amendments proposed by the Senate was withdrawn.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrish
Alario	Gallot	Odinot
Alexander	Geymann	Pierre
Ansardi	Glover	Pinac
Arnold	Gray	Pitre
Badon	Greene	Powell, M.
Baldone	Guillory, E.	Powell, T.
Barrow	Guillory, M.	Quezaire
Baudoin	Hammett	Richmond
Baylor	Harris	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise

Bruneau	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Katz	St. Germain
Crowe	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walsworth
Downs	Martiny	White
Erdey	McDonald	Wooton
Fannin	McVea	Wright
Farrar	Montgomery	
Faucheux	Morrell	
Total - 100		

NAYS

Total - 0

ABSENT

Burns	Johns	Winston
Durand	Walker	
Total - 5		

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Labor and Industrial Relations

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

House Concurrent Resolution No. 62, by Hunter
Reported with amendments. (9-0)

WILLIE HUNTER
Chairman

Suspension of the Rules

On motion of Rep. Hunter, the rules were suspended in order to take up and consider House and House Concurrent Resolutions Reported by Committee at this time.

House and House Concurrent Resolutions Reported by Committee

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 62— BY REPRESENTATIVE HUNTER AND SENATOR NEVERS A CONCURRENT RESOLUTION

To authorize and direct the Department of Labor to provide the Senate and House Committees on Labor and Industrial Relations with an itemized list of state and federal funds received in the wake of Hurricanes Katrina and Rita.

Read by title.

Reported with amendments by the Committee on Labor and Industrial Relations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Concurrent Resolution No. 62 by Representative Hunter

AMENDMENT NO. 1

On page 1, line 4, delete "of the aftermath"

AMENDMENT NO. 2

On page 1, line 17, delete "as"

AMENDMENT NO. 3

On page 1, line 19, change "a" to "an"

AMENDMENT NO. 4

On page 2, line 11, change "account" to "accounting"

AMENDMENT NO. 5

On page 2, at the end of line 13, insert the following:

"Such an accounting shall be provided without any personally identifiable information such as name and address."

AMENDMENT NO. 6

On page 2, between lines 13 and 14, insert the following:

"BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana Department of Labor to provide an accounting of all funds received in the future from the state and federal governments within thirty days of receipt of such funds."

On motion of Rep. Hunter, the amendments were adopted.

On motion of Rep. Hunter, the resolution, as amended, was ordered engrossed and passed to its third reading.

Suspension of the Rules

On motion of Rep. Hunter, the rules were suspended in order to take up and consider House and House Concurrent Resolutions on Third Reading for Final Consideration at this time.

House and House Concurrent Resolutions on Third Reading for Final Consideration

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The following House and House Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 62—
BY REPRESENTATIVE HUNTER AND SENATOR NEVERS
A CONCURRENT RESOLUTION

To authorize and direct the Department of Labor to provide the Senate and House Committees on Labor and Industrial Relations with an itemized list of state and federal funds received in the wake of Hurricanes Katrina and Rita.

Read by title.

Rep. Hunter moved the adoption of the resolution.

By a vote of 101 yeas and 0 nays, the resolution was adopted.

Ordered to the Senate.

Report of the Committee on Insurance

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Insurance to submit the following report:

Senate Bill No. 16, by Schedler
Reported with amendments. (10-0) (Regular)

Senate Bill No. 48, by Murray
Reported with amendments. (12-0) (Regular)

Senate Bill No. 55, by Adley
Reported with amendments. (12-0) (Regular)

KAREN CARTER
Chair

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Privileged Report of the Legislative Bureau

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 16
Reported without amendments.

Senate Bill No. 48
Reported without amendments.

Senate Bill No. 55
Reported without amendments.

Respectfully submitted,
CHARLES MCDONALD
Chairman

Report of the Committee on Health and Welfare

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Health and Welfare to submit the following report:

Senate Bill No. 107, by McPherson
Reported with amendments. (11-0) (Regular)

MICHAEL JACKSON
Vice Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Privileged Report of the Legislative Bureau

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 107
Reported without amendments.

Respectfully submitted,
CHARLES MCDONALD
Chairman

**Senate Instruments on Second Reading
Returned from the Legislative Bureau**

Rep. Karen Carter asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 16—

BY SENATORS SCHEDLER, BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, T. POWELL, M. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON
AN ACT

To enact R.S. 22:658(E), relative to settlement monies on claims arising under homeowners insurance policies; to require placement of monies into interest-bearing accounts with the interest payable to the homeowner; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Engrossed Senate Bill No. 16 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 11, at the beginning of the line change "Every" to "If"

AMENDMENT NO. 2

On page 1, line 12, change "security interest in" to "mortgage on"

AMENDMENT NO. 3

On page 1, line 13, change "shall be" to "is"

AMENDMENT NO. 4

On page 1, line 13, after "insurer" and before "made" change "and" to a comma ","

AMENDMENT NO. 5

On page 1, line 14, change "security interest" to "mortgage"

AMENDMENT NO. 6

On page 1, line 15, change "and the" to "then"

AMENDMENT NO. 7

On page 1, line 15, between "proceeds" and "shall" insert the following:

", as defined in Paragraph (3) of this Subsection,"

AMENDMENT NO. 8

On page 2, delete line 1 in its entirety and insert in lieu thereof the following:

"mortgage listed in the policy or the mortgagee's loan servicing agent shall deposit the settlement proceeds in an interest-bearing"

AMENDMENT NO. 9

On page 2, line 4, change "security interest in" to "mortgage on"

AMENDMENT NO. 10

On page 2, between lines 6 and 7, insert the following:

"(3) As used in this Subsection, "settlement proceeds" means funds paid on an insurance claim for damage to residential immovable property where the funds are in the amount of twenty-five thousand dollars or more, and are held in an interest-bearing account for sixty days or more. Interest-bearing accounts required under the provisions of this Subsection may include separate individual accounts or custodial accounts. For purposes of this Subsection, compliance with Fannie Mae or Freddie Mac servicing guidelines for disposition of proceeds and maintaining funds in interest-bearing accounts constitutes compliance."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Karen Carter, the amendments were adopted.

On motion of Rep. Karen Carter, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 48—
BY SENATOR MURRAY

AN ACT

To enact R.S. 22:696, relative to insurance coverage for property damage due to flooding; to require that itemized coverage limits be disclosed to the insured; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 48 by Senator Murray

AMENDMENT NO. 1

On page 1, line 16, after "form" insert "developed and"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Karen Carter, the amendments were adopted.

On motion of Rep. Karen Carter, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 55—
BY SENATOR ADLEY

AN ACT

To enact R.S. 22:667.1, relative to requiring property insurers to itemize coverages included in payments made to the insured; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Engrossed Senate Bill No. 55 by Senator Adley

AMENDMENT NO. 1

On page 1, line 10, after "form" insert "developed and"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Karen Carter, the amendments were adopted.

On motion of Rep. Karen Carter, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 107—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2109(B)(7) and to enact R.S. 40:2007.1 and 2116(J), relative to the licensure of healthcare providers; to provide relative to health care services in areas affected by declarations of emergency or disaster; to provide relative to the interruption of health care services; to provide relative to replacement and repair of health care facilities in certain areas; to provide relative to facility need review approvals for certain health care providers; to provide for licensure and facility need review; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

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The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 107 by Senator McPherson

AMENDMENT NO. 1

On page 2, delete lines 3 through 14 in their entirety and in lieu thereof insert the following:

"(a) Substance abuse/addiction treatment facility.

(b) Hospice.

(c) Hospital.

(d) Nursing home.

(e) Intermediate care facility for the mentally retarded (ICF/MR)."

AMENDMENT NO. 2

On page 5, line 18, after "home" and before "to relocate" delete "or ICF/MR"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Jackson, the amendments were adopted.

On motion of Rep. Jackson, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

Privileged Report of the Legislative Bureau

November 21, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Concurrent Resolution No. 9
Reported without amendments.

Respectfully submitted,

CHARLES MCDONALD
Chairman

Senate Instruments on Second Reading Returned from the Legislative Bureau

Rep. Crane asked for and obtained a suspension of the rules to take up at this time the following Senate Concurrent Resolution on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE CONCURRENT RESOLUTION NO. 9— BY SENATOR ULLO

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2006 Regular Session of the Legislature R.S. 17:1990(F), 3973(2)(b)(iii), (iv) and (v), 3983(A)(3)(a), 3983(A)(4)(c) and (f), 3991(C)(1)(b) and 3996(B)(4), relative to charter schools;

to facilitate the formation, operation, and use of charter schools to assist in meeting the educational needs of Louisiana students.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Original Senate Concurrent Resolution No. 9 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 3, after "Legislature" and before "3983(A)(3)(a)," change "R.S. 17:1990(F), 3973(2)(b)(iii), (iv) and (v)," to "R.S. 17:1990(F)(1) and (2), 3973(2)(b)(iii), (iv), and (v)(aa) and (bb),"

AMENDMENT NO. 2

On page 1, line 18, after "Constitution" and before "VIII," change "Art." to "Article"

AMENDMENT NO. 3

On page 2, line 9, after "charter" and before "law" insert "school"

AMENDMENT NO. 4

On page 2, line 13, after "of" and before "to the" change "R.S. 17:1990(F)," to "R.S. 17:1990(F)(1) and (2),"

AMENDMENT NO. 5

On page 2, line 15, after "charter" and before "to" insert "school"

AMENDMENT NO. 6

On page 2, line 15, after "convert a" and before "school," change "pre-existing" to "preexisting"

AMENDMENT NO. 7

On page 2, line 16, after "of the" and before "school" change "pre-existing" to "preexisting"

AMENDMENT NO. 8

On page 2, at the end of line 18, add "school"

AMENDMENT NO. 9

On page 2, line 19, after "a" and before "school," change "pre-existing" to "preexisting"

AMENDMENT NO. 10

On page 2, at the beginning of line 20, after "the" and before "school" change "pre-existing" to "preexisting"

AMENDMENT NO. 11

On page 2, line 21, after "R.S. 17:3983(C);" and before "to" change "R.S. 17:3973(2)(b)(v)," to "R.S. 17:3973(2)(b)(v)(aa) and (bb),"

AMENDMENT NO. 12

On page 2, line 23, after "establishes" and before "for the" change "timelines" to "time lines"

AMENDMENT NO. 13

On page 2, line 24, after "establishes a" and before "for" change "timeline" to "time line"

AMENDMENT NO. 14

On page 2, line 25, after "establishes a" and before "for" change "timeline" to "time line"

AMENDMENT NO. 15

On page 2, at the beginning of line 27, change "timeline" to "time line"

AMENDMENT NO. 16

On page 2, between lines 29 and 30, insert the following:

"BE IT FURTHER RESOLVED that if Senate Bill No. 70 of this 2005 First Extraordinary Session of the Legislature becomes law, all references in this Resolution to R.S. 17:3983(A)(4)(c) shall be deemed to mean R.S. 17:3983(A)(4)(b) and all references to R.S. 17:3983(A)(4)(f) shall be deemed to mean R.S. 17:3983(A)(4)(e)."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the amendments were adopted.

On motion of Rep. Crane, the resolution, as amended, was ordered passed to its third reading.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 65
Returned without amendments

House Concurrent Resolution No. 67
Returned without amendments

House Concurrent Resolution No. 68
Returned without amendments

House Concurrent Resolution No. 69
Returned without amendments

House Concurrent Resolution No. 70
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

HOUSE BILLS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 8
Returned without amendments

House Bill No. 17
Returned with amendments

House Bill No. 18
Returned with amendments

House Bill No. 39
Returned without amendments

House Bill No. 63
Returned without amendments

House Bill No. 75
Returned without amendments

House Bill No. 81
Returned without amendments

House Bill No. 97
Returned with amendments

House Bill No. 101
Returned with amendments

House Bill No. 115
Returned without amendments

House Bill No. 120
Returned without amendments

House Bill No. 121
Returned with amendments

House Bill No. 140
Returned with amendments

House Bill No. 160
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

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I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 1.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 43 and 44

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 17, 25, 27, 32, 33, 34, 37, and 38

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

November 21, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 10 and 27

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

The Senate Bills and Joint Resolutions contained herein were signed by the Speaker of the House.

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 19—

BY REPRESENTATIVE K. CARTER

A RESOLUTION

To urge and request the Bring New Orleans Back Commission and the Louisiana Recovery Authority to meet jointly, or in any other manner as such groups may determine, to study how to restructure and organize the delivery of public elementary and secondary education services in Orleans Parish that will result in a world class public educational system and to make recommendations to the House Committee on Education and the Senate Committee on Education by not later than January 15, 2006.

Read by title.

On motion of Rep. Karen Carter, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 20—

BY REPRESENTATIVE DOWNS

A RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the need for and feasibility of including provisions in the minimum foundation program formula annually developed and adopted by the board and submitted to the legislature for its approval that would better enable the board and the state Department of Education, consistent with current authority and limitations, to implement and administer such a formula in the aftermath of a disaster for which the governor declares a state of emergency to exist, and to report in writing on study findings and recommendations to the House Committee on Education and the House Committee on Appropriations by not later than the convening of the 2006 First Extraordinary Session of the Legislature of Louisiana or January 16, 2005, whichever date occurs first.

Read by title.

On motion of Rep. Downs, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 71—

BY REPRESENTATIVE RICHMOND

A CONCURRENT RESOLUTION

To direct the Louisiana Housing Finance Agency to establish a low or no interest loan program for apartment complexes affected by Hurricanes Katrina and Rita that can have fifty units completed within sixty to ninety days and that will house eighty percent of displaced Louisianians with at least three months of free rent.

Read by title.

On motion of Rep. Richmond, and under a suspension of the rules, the resolution was ordered passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 72—

BY REPRESENTATIVE BAUDOIN

A CONCURRENT RESOLUTION

To memorialize the United States Congress to task the Government Accountability Office with a complete audit of expenditures by the Federal Emergency Management Agency on Katrina and Rita recovery efforts in Louisiana.

Read by title.

On motion of Rep. Baudoin, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 73—

BY REPRESENTATIVES MARCHAND, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MORRELL, PIERRE, QUEZAIRE, AND RICHMOND AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, MURRAY, AND SHEPHERD

A CONCURRENT RESOLUTION

To commend the employees and management of the Sewerage and Water Board of New Orleans for their outstanding work during and following Hurricane Katrina.

Read by title.

On motion of Rep. Marchand, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Privileged Report of the Committee on Enrollment

November 21, 2005

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 13—

BY REPRESENTATIVES KENNARD, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

A RESOLUTION

To commend David Dellucci of Baton Rouge, outfielder with the Texas Rangers, for his holiday efforts on behalf of Louisiana's displaced hurricane victims.

HOUSE RESOLUTION NO. 14—

BY REPRESENTATIVES TUCKER AND WALSWORTH

A RESOLUTION

To urge and request the Board of Regents to study the need for and feasibility of merging Elaine P. Nunez Community College and Delgado Community College and to report study findings and recommendations in writing to the legislature by not later than March 1, 2006.

HOUSE RESOLUTION NO. 16—

BY REPRESENTATIVES TUCKER AND WALSWORTH

A RESOLUTION

To urge and request the Board of Regents to study the need for and feasibility of merging Southern University at New Orleans and the University of New Orleans and to report study findings and recommendations in writing to the legislature by not later than March 1, 2006.

HOUSE RESOLUTION NO. 17—

BY REPRESENTATIVE MORRELL

A RESOLUTION

To urge and request the Louisiana State University Health Care Services Division and the Louisiana State University Health Sciences Center-New Orleans to return patient care services and all medical and clinical educational programs to New Orleans as soon as possible.

HOUSE RESOLUTION NO. 18—

BY REPRESENTATIVE K. CARTER

A RESOLUTION

To memorialize the United States Congress to enjoin the United States Army Corps of Engineers from engaging any contractor in the reconstruction of the levees in the New Orleans area if investigations of levee failures during Hurricanes Katrina and Rita indicate that such contractor performed substandard design or construction work on a portion of a levee that failed.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

November 21, 2005

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 41—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to enjoin the Federal Emergency Management Agency from mandating that structures rebuilt in the New Orleans area after Hurricane Katrina be elevated.

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HOUSE CONCURRENT RESOLUTION NO. 42—

BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to develop and provide innovative solutions for financing housing in parishes in Louisiana devastated by Hurricanes Katrina and Rita.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

November 21, 2005

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 2—

BY REPRESENTATIVES LANCASTER AND JEFFERSON AND SENATOR JONES

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2006 Regular Session of the Legislature of Louisiana the provisions of R.S. 18:192, which provides for the annual canvass of registered voters.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Governor in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

November 21, 2005

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Bills have been properly enrolled:

HOUSE BILL NO. 6 (Duplicate of Senate Bill No. 80) —

BY REPRESENTATIVE PINAC AND SENATOR HOLLIS

AN ACT

To enact R.S. 51:1927.1(D), relative to time limits to make certain investments under the Capital Companies Tax Credit Program; to extend the time limit for making certain investments; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 7—

BY REPRESENTATIVE SALTER AND SENATOR HINES

AN ACT

To enact R.S. 24:31.4(D), relative to office expense allowances for members of the legislature; to provide for the payment of rent and other expenses for members of the legislature under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 27 (Duplicate of Senate Bill No. 64) —

BY REPRESENTATIVE SALTER AND SENATOR HINES AND COAUTHORED BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, AND HAMMETT AND SENATORS HEITMEIER AND MOUNT

AN ACT

To provide for a special statewide election on the fifth Saturday in April of 2006 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

HOUSE BILL NO. 92—

BY REPRESENTATIVES GREENE AND THOMPSON AND SENATOR MURRAY

AN ACT

To enact R.S. 9:304, relative to legal deadlines affected by Executive Order KBB 2005-32, as amended; to provide for the effect of such legal deadlines on judgments of divorce; to provide for the effect of certain waiting and abandonment periods; to provide for the effect of judgments of divorce; and to provide for related matters.

HOUSE BILL NO. 104—

BY REPRESENTATIVES GREENE, ANSARDI, AND GALLOT AND SENATORS LENTINI AND MURRAY

AN ACT

To amend and reenact R.S. 9:315(C)(3)(a) and 315.1(B) and to enact R.S. 9:315(C)(3)(d)(v), 315.11(C), and 315.21(F), relative to child support; to provide for the definition of gross income; to provide for a deviation from the guidelines; to provide for voluntary unemployment or underemployment; to provide for retroactivity; to provide for a contingent effective date for R.S. 9:315.21(F); and to provide for related matters.

HOUSE BILL NO. 127—

BY REPRESENTATIVE MARTINY AND SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical care of prisoners; to provide for the payment of costs of medical care of prisoners in certain circumstances; and to provide for related matters.

HOUSE BILL NO. 131 (Duplicate of Senate Bill No. 84) —

BY REPRESENTATIVE SALTER AND SENATOR MCPHERSON AND COAUTHORED BY REPRESENTATIVES DURAND, ALARIO, DEWITT, DORSEY, AND HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To amend and reenact Section 5 of Act 182 of the 2005 Regular Session of the Legislature, relative to state fees; to provide for the effective date of the Healthcare Affordability Act; and to provide for related matters.

HOUSE BILL NO. 132 (Substitute for House Bill No. 12 by Representatives Quezaire and Salter) —

BY REPRESENTATIVES QUEZAIRE, SALTER, AND LAMBERT

AN ACT

To enact R.S. 48:250.4, relative to contracts let by the Department of Transportation and Development; to authorize the Department of Transportation and Development to utilize the design-build method to construct transportation projects under certain circumstances; to provide for certain requirements; and to provide for related matters.

HOUSE BILL NO. 135 (Duplicate of Senate Bill No. 82) —
BY REPRESENTATIVE PINAC AND SENATOR HOLLIS
AN ACT

To enact R.S. 6:121.6, relative to the powers of the commissioner of the Office of Financial Institutions; to authorize the commissioner to waive, suspend, or delay compliance of certain statutes during certain emergencies relating to certain nondepository institutions regulated by the commissioner; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 142—
BY REPRESENTATIVES SALTER, SCALISE, SCHNEIDER, THOMPSON,
AND WALSWORTH
AN ACT

To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition Opportunity Program for Students' awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 143—
BY REPRESENTATIVES SALTER, SCHNEIDER, AND WALSWORTH
AN ACT

To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity Program for Students awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide for legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 5: Reps. Walker, Jackson, and Waddell.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 9: Reps. LaFleur, Lancaster, and Cazayoux.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the

disagreement to House Bill No. 40: Reps. Hammett, McDonald, and Townsend.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 41: Reps. Hammett, Montgomery, and Townsend.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 42: Reps. Montgomery, Hammett, and Marchand.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 156: Reps. Alario, Salter, and Hunter.

Adjournment

On motion of Rep. Kenney, at 6:58 P.M., the House agreed to adjourn until Tuesday, November 22, 2005, at 9:00 A.M.

The Speaker of the House declared the House adjourned until 9:00 A.M., Tuesday, November 22, 2005.

ALFRED W. SPEER
Clerk of the House